

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN MARCOS-CHAVELA,

Plaintiff,

v.

LINDSEY GRAHAM, *et al.*,

Defendants.

Case No. C22-1035-RAJ

ORDER

This matter comes before the Court *sua sponte*. For the reasons that follow, the Court **DISMISSES** *pro se* Plaintiff's complaint with leave to amend. Dkt. # 5.

Plaintiff filed this action against several U.S. senators, a former First Lady, and the United Methodist Church. Dkt. # 4. Plaintiff also submitted an application to proceed *in forma pauperis*. Dkt. # 1. The Honorable Michelle L. Peterson granted the application. Dkt. # 4.

The Court's authority to grant *in forma pauperis* status derives from 28 U.S.C. § 1915. The Court is required to dismiss an *in forma pauperis* plaintiff's case if the Court determines that "the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B); *see also See Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) ("[S]ection 1915(e) applies to all *in forma pauperis* complaints, not just those filed by prisoners."). A complaint is frivolous if it lacks a basis

1 in law or fact. *Andrews v. King*, 398 F.3d 1113, 1121 (9th Cir. 2005). A complaint fails
2 to state a claim if it does not “state a claim to relief that is plausible on its face.” *Bell Atl.*
3 *Corp. v. Twombly*, 550 U.S. 544, 568 (2007).

4 “The legal standard for dismissing a complaint for failure to state a claim under 28
5 U.S.C. § 1915(e)(2)(B)(ii) parallels that used when ruling on dismissal under Federal
6 Rule of Civil Procedure 12(b)(6).” *Day v. Florida*, No. 14-378-RSM, 2014 WL
7 1412302, at *4 (W.D. Wash. Apr. 10, 2014) (citing *Lopez*, 203 F.3d at 1129). Rule
8 12(b)(6) permits a court to dismiss a complaint for failure to state a claim. The rule
9 requires the court to assume the truth of the complaint’s factual allegations and credit all
10 reasonable inferences arising from those allegations. *Sanders v. Brown*, 504 F.3d 903,
11 910 (9th Cir. 2007). The plaintiff must point to factual allegations that “state a claim to
12 relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 568 (2007).
13 Where a plaintiff proceeds *pro se*, the court must construe the plaintiff’s complaint
14 liberally. *Johnson v. Lucent Techs. Inc.*, 653 F.3d 1000, 1011 (9th Cir. 2011) (citing
15 *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)).

16 Plaintiff’s Complaint is largely unintelligible. Plaintiff alleges that Defendants
17 engaged in collusion and deception for personal gain. The Complaint does not contain
18 any allegations explaining what these acts were. While Plaintiff cites to some statutes,
19 the complaint contains no details regarding Defendants’ actions or how each Defendant’s
20 actions violated those statutes. Even construing all allegations in the light most favorable
21 to the Plaintiff and giving due deference to Plaintiff’s *pro se* status, the complaint fails to
22 state a claim.

23 For the reasons stated above, the Court **DISMISSES** *pro se* Plaintiff’s complaint
24 with leave to amend. Dkt. # 5. **Within fourteen (14) days from the date of this Order**,
25 Plaintiff may file an amended complaint. If Plaintiff does not file an amended complaint
26 within that timeframe, or if Plaintiff files an amended complaint that does not state a
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1 cognizable claim for relief or is otherwise untenable under § 1915(e), the Court will
2 dismiss the action.

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4 DATED this 11th day of April, 2023.

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7 The Honorable Richard A. Jones
8 United States District Judge
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